

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 506 be amended to read as follows:

- 1 Page 1, line 11, delete "or".
- 2 Page 1, line 13, after "IC 36-2-3.8);" insert "**or**
- 3 **(iii) the chief executive officer elected under IC 36-2-2.6**
- 4 **(in a county subject to IC 36-2-2.6);"**.
- 5 Page 2, line 17, after "IC 36-2-2.5" delete "." and insert "**or**
- 6 **IC 36-2-2.6."**.
- 7 Page 4, line 20, after "to" insert "**IC 36-2-2.6 or**".
- 8 Page 6, line 7, after "to" insert "**IC 36-2-2.6 or**".
- 9 Page 7, line 22, after "to" insert "**IC 36-2-2.6 or**".
- 10 Page 9, line 41, after "IC 36-2-2.5" delete ";" and insert "**or**
- 11 **IC 36-2-2.6;"**.
- 12 Page 10, line 25, after "IC 36-2-2.5" delete ";" and insert "**or**
- 13 **IC 36-2-2.6;"**.
- 14 Page 11, line 6, after "to" insert "**IC 36-2-2.6 or**".
- 15 Page 22, line 19, delete "or"
- 16 Page 22, between lines 19 and 20, begin a new line block indented
- 17 and insert:  
18 **"(3) the county government shall be reorganized to have a**
- 19 **consolidated county government, with executive powers in a**
- 20 **single elected county executive and legislative and fiscal**
- 21 **powers in the county council; or"**.
- 22 Page 22, line 20, delete "(3)" and insert "**(4)**".
- 23 Page 29, between lines 11 and 12, begin a new paragraph and insert:
- 24 **"SECTION 36. IC 36-2-2.6 IS ADDED TO THE INDIANA CODE**
- 25 **AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
- 26 **JULY 1, 2009]:**
- 27 **Chapter 2.6. Consolidated County Government**
- 28 **Sec. 1. Except as specifically provided by law, this chapter**
- 29 **applies after December 31, 2012, to a county having a population**
- 30 **of more than one hundred seventy thousand (170,000) but less than**
- 31 **one hundred eighty thousand (180,000) in which:**

(1) the county legislative body makes a determination under IC 36-2-2.4; or

(2) a majority of the voters voting on the public question under IC 36-2-3.9 make a determination;

that the county will have a consolidated government with a single county executive and a county council that is the county legislative body and the county fiscal body.

**Sec. 2. (a) In a county subject to this chapter:**

(1) the voters of the county:

(A) shall elect one (1) chief executive officer in 2012 and every four (4) years thereafter; and

(B) shall not elect a board of county commissioners; under IC 3-10-2-13;

(2) the board of county commissioners for the county is abolished December 31, 2012;

(3) notwithstanding IC 36-2-2-3, the term of each county commissioner elected in 2010 is two (2) years rather than four (4) years;

(4) notwithstanding IC 36-2-2-3, the term of each county commissioner serving on December 31, 2012, expires January 1, 2013; and

(5) the term of each municipal elected official (including those elected in 2011) expire on January 1, 2013.

(b) The term of office of the initial county chief executive officer:

(1) is four (4) years; and

(2) begins January 1, 2013.

(c) The term of office of a county chief executive officer is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

(d) To be eligible for election as the chief executive officer, an individual must meet the qualifications prescribed by IC 3-8-1-21. If an individual does not remain a resident of the county after taking office as the chief executive officer, the individual forfeits the office. The county legislative body shall declare the office vacant whenever the chief executive officer forfeits office under this subsection.

(e) A chief executive officer elected under this chapter has the same executive and administrative powers and duties as are specified for a chief executive officer in a county subject to IC 36-2-2.5. The chief executive officer shall approve or veto ordinances and resolutions of the legislative body under IC 36-3-4.

**Sec. 3. In a county subject to this chapter, the county council:**

(1) is the county legislative body and the county fiscal body;

(2) shall exercise the legislative and fiscal powers of the county;

(3) has the same legislative powers and duties as are specified for a county council in a county subject to IC 36-2-3.7; and

(4) has the same fiscal powers and duties as are specified for a county council under IC 36-2-3.

**Sec. 4. The following apply in a county to which this chapter applies:**

(1) Effective January 1, 2013, all municipal governments in the county are abolished, and the duties and powers of the municipal governments are transferred to the county.

(2) After December 31, 2012:

(A) the county chief executive officer shall exercise the powers and has the duties of a municipal executive within each municipality in the county; and

(B) the county council shall exercise the powers and has the duties of a municipal legislative body and a municipal fiscal body within each municipality in the county.

(3) On January 1, 2013:

(A) all executive powers and duties of a municipality in the county are transferred to the county executive; and

(B) all legislative and fiscal powers and duties of a municipality in the county are transferred to the county council.

(4) Notwithstanding any other law, the county legislative body may by ordinance do the following:

(A) Abolish any municipal department and assign the duties and powers of the abolished municipal department to another municipal department or to a county office or department.

(B) Combine any municipal department with another municipal department or a county office or department.

(C) Transfer duties and powers of any municipal department to another municipal department or to a county office or department.

(D) Abolish any municipal taxing district or adjust the boundaries of any municipal taxing district.

(5) On January 1, 2013, in a county subject to this chapter, all:

(A) assets;

(B) debts;

(C) property rights;

(D) equipment;

(E) records;

(F) personnel (except otherwise provided for by statute); and

(G) contracts;

of each municipality in the county are transferred to or assumed by the county.

(6) Effective January 1, 2013, the county shall assume, defease, pay, or refund all indebtedness of a municipality in the county. The county may levy property taxes to pay

municipal indebtedness or lease rental obligations incurred by a municipality only in the geographic area of the municipality that originally issued the debt or entered into the lease rental agreement. The territory of the municipality comprises a taxing district for the payment of municipal indebtedness. Notwithstanding any other law, to assume, defease, pay, or refund all or a part of the indebtedness or lease rental obligations under this subdivision, the county is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness or lease rental obligations. The rights of the trustee and the bondholders with respect to any indebtedness, bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking with respect to indebtedness remain the same, although the powers, duties, agreements, and liabilities of the municipalities have been transferred to the county, and the county is considered to have assumed all those powers, duties, agreements, and liabilities.

(7) The department of local government finance shall adjust maximum permissible property tax levies and property tax rates as necessary to account for transfers of duties, powers, and obligations under this act.

**Sec. 5. (a) For purposes of a county subject to this chapter, after December 31, 2012, any reference:**

- (1) in the Indiana Code;
- (2) in the Indiana Administrative Code; or
- (3) in an ordinance or resolution;

to the board of commissioners pertaining to the executive powers and duties of a county shall be considered a reference to the chief executive officer of the county.

**(b) For purposes of a county subject to this chapter, after December 31, 2012, any reference:**

- (1) in the Indiana Code;
- (2) in the Indiana Administrative Code; or
- (3) in an ordinance or resolution;

to the board of commissioners pertaining to the legislative powers of a county shall be considered a reference to the county council of the county.

**(c) The abolishment of the board of county commissioners of a county on January 1, 2013, does not invalidate:**

- (1) any ordinances, resolutions, fees, schedules, or other actions adopted or taken by the board of county commissioners before January 1, 2013; or
- (2) any appointments made by the board of county commissioners before January 1, 2013."

Page 37, line 24, delete "In" and insert "(a) Except as provided in subsection (b), in".

Page 37, between lines 36 and 37, begin a new paragraph and insert:

1       **"(b) If this chapter applies to a county having a population of**  
 2       **more than one hundred seventy thousand (170,000) but less than**  
 3       **one hundred eighty thousand (180,000), the following public**  
 4       **question shall be placed on the ballot at 2010 general election held**  
 5       **in that county:**

6       **"Choose only one of the following options for the**  
 7       **reorganization of the county government of \_\_\_\_\_**  
 8       **(insert the name of the county) County:**

9       **( \_\_\_\_ ) The county government shall be reorganized to**  
 10       **place executive powers in a single elected county executive**  
 11       **and to place legislative powers in the county council.**

12       **( \_\_\_\_ ) The county government shall be reorganized to**  
 13       **place executive, legislative, and fiscal powers in a board of**  
 14       **county supervisors, and a separate county executive shall**  
 15       **not be elected.**

16       **( \_\_\_\_ ) The county government shall be reorganized to have**  
 17       **a consolidated county government, with executive powers**  
 18       **in a single elected county executive and legislative and**  
 19       **fiscal powers in the county council.""**

20       Page 38, between lines 6 and 7, begin a new paragraph and insert:

21       **"(c) If a majority of the voters who vote in a county having a**  
 22       **population of more than one hundred seventy thousand (170,000)**  
 23       **but less than one hundred eighty thousand (180,000) on the public**  
 24       **question vote in favor of reorganizing county government to have**  
 25       **a consolidated county government, with executive powers in a**  
 26       **single elected county executive and legislative and fiscal powers in**  
 27       **the county council, IC 36-2-2.6 applies to the county."**

28       Page 38, line 17, after "IC 36-2-3.5," insert **"IC 36-2-2.6 (after**  
 29       **December 31, 2012),"**

30       Page 40, line 31, after "any)" delete ";" and insert **"or IC 36-2-2.6**  
 31       **(if any);"**

32       Page 41, line 8, after "any)" delete ";" and insert **"or IC 36-2-2.6 (if**  
 33       **any);"**

34       Page 41, line 37, delete "or".

- 1 Page 41, line 40, after "body;" insert "**or**
- 2 **(3) a consolidated government under IC 36-2-2.6;**".
- 3 Renumber all SECTIONS consecutively.  
(Reference is to SB 506 as printed February 6, 2009.)

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Senator DEIG